

CLAY COUNTY BOARD OF COMMISSIONERS
8:30 A.M., TUESDAY, APRIL 14, 2020
County Board Room, 3rd Floor, Courthouse
MINUTES

The Clay County Board of Commissioners met in regular session with the following Commissioners present or joining remotely: Frank Gross, Jim Haney, Kevin Campbell, Jenny Mongeau, and Grant Weyland. Others present: County Attorney Brian Melton, County Administrator Stephen Larson, and Senior Administrative Assistant Colleen Eck.

CALL TO ORDER

Chair Gross called the meeting to order and read the Open Meeting Law announcement.

APPROVAL OF AGENDA

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board approved the agenda.

FILL VACANCY FOR FT PARALEGAL POSITION IN ATTORNEY'S OFFICE

By consent, the Board approved the request to fill a vacancy for a paralegal in the Attorney's Office.

CITIZENS TO BE HEARD

There were no citizens present who wished to be heard.

APPROVAL OF PAYMENT OF BILLS AND VOUCHERS

On motion by Commissioner Haney, seconded by Commissioner Campbell, and unanimously carried, the Board approved payment for bills and vouchers totaling \$462,953 from 122 vendors. From that total, 93 warrants issued are under \$2,000 (\$39,982) and the following 29 are over \$2,000:

Team Laboratory Chemical LLC	\$115,950	Larry's Auto Body Shop, Inc.	\$5,292
Clay Co Public Health	\$42,670	Code 4 Services, Inc.	\$5,197
City of Fargo	\$38,617	Dean's Bulk Service	\$4,952
MEnD Correctional Care, LLC	\$33,890	Family Healthcare Center	\$4,463
Becker County Public Health	\$22,860	Trane U.S., Inc.	\$4,369
Trinity Services Group, Inc.	\$22,417	Amazon Capital Services	\$4,312
Cardmember Service	\$20,698	Larry's Excavating	\$4,248
Lakeland Mental Health Ctr	\$18,740	Petro Serve USA - Hwy	\$4,160
Key Contracting, Inc.	\$10,610	Wilkin Co Public Health	\$4,054
Galls, LLC, - DBA Keepers	\$9,380	REDI Transports	\$3,550
Nitzkowski, Inc.	\$7,277	Clay County Public Health Dept	\$3,248
Houston Engineering, Inc.	\$6,739	Jim's Towing, Inc.	\$2,400
MN Counties Computer Coop	\$6,620	Farmers Coop Oil Co	\$2,077
Powerplan	\$6,475	Mouser/Katrina	\$2,020
Pelican Rapids Food Shelf	\$5,687		

APPROVAL OF MINUTES FROM MARCH 31, 2020

On motion by Commissioner Mongeau, seconded by Commissioner Haney, and unanimously carried, the Board approved the minutes from March 31, 2020.

REQUEST APPROVAL OF AMENDMENT TO CONTRACT WITH BURNS & MCDONNELL FOR LANDFILL CONSTRUCTION COORDINATION

Solid Waste Manager Kirk Rosenberger asked for approval to amend a contract with Burns and McDonnell. The original contract was for the landfill expansion project design. The amendment pertains to assisting the County in ensuring the new landfill cell and additional gas wells are constructed correctly and timely this summer. Burns & McDonnell would also obtain the MCPA permit for the project. The contract amendment is for \$87,056, consistent with past landfill expansion costs. The County Engineer and Assistant County Attorney Weigel have reviewed the amendment to the contract. A Memorandum of Understanding between Clay County Solid Waste and Burns and McDonnell should be drafted for approval in the next week or two.

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board approved the \$87,056 contract amendment for Burns and McDonnell to oversee the new landfill cell construction project.

CONSIDERATION FOR PAID SICK LEAVE FOR EMERGENCY AND PUBLIC HEALTH WORKERS

Human Resources Director Darren Brooke brought forth a proposal to consider paid sick leave for County Emergency workers and Public Health workers. Currently, those workers are exempt from requesting Emergency Paid Sick Leave (EPSL) and Emergency Family and Medical Leave (EFLMA). The Personnel Issues Committee (PIC) met on Tuesday, April 7, 2020 and discussed allowing these workers to participate in the Families First Coronavirus Response Act (FFCRA) Emergency Paid Sick Leave Program. If an emergency worker or public health employee would become sick due to the COVID-19 virus, they would be eligible to have 80 hours / two weeks of paid sick leave without using their own accrued sick leave first. Condition #5 (below) would not qualify under the programs.

EMERGENCY PAID SICK LEAVE CONDITIONS:

- Condition #1 I am subject to a Federal, State or local quarantine or isolation order related to COVID-19
- Condition #2 I have been advised by a health care provider to self-quarantine due to concerns related to COVID-19
- Condition #3 I am experiencing symptoms of COVID-19 and seeking medical diagnosis.
- Condition #4 I am caring for an individual who is subject to an order as described in condition 1 or under condition 2.
- Condition #5 I am caring for a son or daughter whose school or place of care has been closed, or my childcare provider is unavailable due to COVID-19 precautions.
- Condition #6 I am experiencing other substantially similar conditions specified by the Secretary of Health and Human Services

EMERGENCY FAMILY MEDICAL LEAVE ACT CONDITION:

- Condition #1 Employee is unable to work (or telework) due to a need for leave to care for my child who is under the age of 18 because their school or place of care has been closed, or because my child care provider is unavailable as a result of the coronavirus and COVID-19.

Discussion ensued regarding the proposal and related conditions. The proposed timeframe is from April 7 through December 31, 2020. A separate timesheet and separate codes would be used for these emergency medical leaves. Mr. Brooke is currently reviewing two applications to see if qualifications are met.

On motion by Commissioner Campbell, seconded by Weyland, and unanimously carried, the Board approved adding Law Enforcement and Public Health workers to participate in the Families First Coronavirus Response Act (FFCRA) and Emergency Paid Sick Leave (EPSL) Program.

COVID-19 UPDATE

Public Health Director Kathy McKay and Health Promotion Direction Rory Beil were present with the COVID-19 update. The local COVID case information as of yesterday included 43 positive cases in Clay County with five of them currently hospitalized. Cass County, ND has 116 positive cases and the State of Minnesota has a total of 1,650 positive cases. The largest age category for the positive cases are 50s and 60s. The majority of the new cases are community spread. Six of the Clay County cases have requested essential services. The local food pantry has provided a few boxes of food if needed after hours or on weekends. The Sheriff's office has delivered food items to some of the elderly individuals in the County. Governor Walz's Executive Stay at Home Order was extended to May 4, 2020. Sometime following that date there will be a slow opening of the closures in the State.

COVID contact tracing is being done by the Minnesota Department of Health (MDH). They have approximately 70 staff assigned to contact tracing. If they get overwhelmed, they will ask for local help. Many questions are coming into Public Health and they are working to keep the County website updated with information. Public Health has liaisons with the long-term health facilities and communications take place on a regular basis. Masks are now being encouraged and different options for masks were discussed. The Fargo-Moorhead area has not reached its peak yet for the COVID-19 pandemic. The local healthcare providers keep Public Health up to date with their cases. The Fargo Dome is the facility chosen for extra beds should there be a high surge of cases. Currently, the local hospitals have been able to manage patients with their own ICU beds. Clay County residents, of course, can utilize all the services in Fargo. Weekly metro area press conferences will continue for now.

Commissioner Mongeau noted that several residents have reached out to her with inquiries on getting more specific locations where positive COVID-19 cases are within the County. Ms. McKay will make that request to MDH. She noted they do not give out names of cities but can check to see if locations can be narrowed down further than a county.

REQUEST APPROVAL OF CONTRACT FOR SHELTER DURING COVID PANDEMIC

Mr. Beil stated that Public Health has been working on agreements for alternative shelter during the COVID pandemic. The request is to execute a hotel contract and security company contract for emergency housing for homeless individuals in Moorhead who are unable to go to Churches United due to concerns with COVID-19. Commissioner Gross stated this item was also discussed at the last Personnel Issues Committee meeting. Security guidelines, expectations, and oversight will be worked out between Mr. Beil and Lt. Gabe Tweten of Emergency Management.

On motion by Commissioner Weyland, seconded by Commission Haney, and unanimously carried, the Board executed Contract #1: Agreement for housing with Bison Plains Lodge for homeless individuals for emergency shelter purposes during the COVID-19 pandemic.

On motion by Commissioner Campbell, seconded by Commission Weyland, and unanimously carried, the Board executed Contract #2: Agreement with General Security Services related housing homeless individuals for emergency shelter purposes during the COVID-19 pandemic.

BID OPENING FOR MECHANICAL PORTION OF COURTHOUSE BOILER REPLACEMENT PROJECT

Building Maintenance Supervisor Joe Olson stated he received four bids for the mechanical portion of the courthouse boiler replacement project and proceeded to open them. The following bids were read aloud and entered into the record:

Contractor	Bid Bond 10%	Copy of Contractor License	Certificate of Liability Insurance	Total Base Bid
Robert Gibb and Son	X	X	X	\$220,800
Dakota Plains Mechanical	X	X	X	\$173,985
Peterson Mechanical	X	X	X	\$293,200
Burnn Boiler Mechanical	X	X	X	\$251,900

Mr. Olson will further review the bids and make recommendations to the Board on April 21, 2020. The estimate for the entire project was \$375,000.

REQUEST APPROVAL OF CSAH 33 OVERLAY BID (SAP 14-633-017)

County Engineer David Overbo and Assistant Engineer Justin Sorum were present with a recommendation to award the bid from RJ Zavoral & Sons, Inc., for \$1,164,635.67 for the CSAH 33 overlay project (SAP 14-633-017). They tabulated the bids from last week and found no errors or issues. They have also discussed the upcoming construction season with MnDOT and MN County Engineer's Association. The project is deemed essential construction and they wish to go forth with it.

On motion by Commissioner Weyland, seconded by Commissioner Campbell, and unanimously carried, the Board awarded the CSAH 33 overlay project to RJ Zavoral & Sons, Inc., for \$1,164,635.67.

BID OPENING FOR THREE BRIDGE REPLACEMENT PROJECTS

Mr. Overbo received bids for the contract for three bridge replacements (SAP 014-602-027, SAP 014-612-016, SAP 014-599-109). Two of them are County structures located on CSAH 2 and 12; and the third is a township bridge is on 90th Street North in Morken Township. The Engineer's estimate for the project is \$586,387. The following bids were opened and read aloud:

Contractor	Bid Bond 5%	Addendum	Total Base Bid
Central Specialties	X	X	\$852,678.00

Dennis Drewes, Inc.	X	X	\$770,391.00
Gladen Construction, Inc.	X	X	\$608,335.50
Houle Excavating LLC	X	X	\$649,492.00
Landwehr Construction, Inc.	X	X	\$599,302.30
Midwest Contracting LLC	X	X	\$724,847.00
Riley Bros. Construction, Inc.	X	X	\$663,330.00
Sellin Brothers, Inc.	X	X	\$768,628.00

On motion by Commissioner Campbell, seconded by Commissioner Haney, and unanimously carried, the Board approved the apparent low bidder: Landwehr Construction and their bid of \$599,302.30, contingent on staff review and no errors in the bid.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE/DISCUSSIONS

Many of the following meetings discussed took place remotely, by teleconference, or were set up as virtual meetings.

- Commissioner Campbell attended meetings for Lakes Country Service Co-op and Wellness Grants for Clay County.
- Commissioner Haney attended meetings for Soil and Water Conservation District and COVID-19 relating to homeless and vulnerable population of the metro area.
- Commissioner Weyland attended meetings for Personnel Issues Committee and West Central Area Agency on Aging.
- Commissioner Mongeau attended meetings for Soil and Water Conservation District; Cass Clay Food Partners; and dealt with a citizen and Highway staff regarding a plugged ditch.
- Commissioner Gross attended a Personnel Issues Committee meeting and an Association of Mn Counties Webinar.
- Stephen Larson attended meetings for Personnel Issues Committee; COVID-19-related matters; and Management Committee. He reported that the County received the Certificate of Occupancy for the Juvenile Center. He announced that Sheryl Grandbois is retiring from Clay County Motor Vehicle this Thursday after 42 years. He extended thanks and well-wishes to her, noting that her open house has been canceled. Lastly, Mr. Larson shared a message that came in during the meeting from Moorhead City Council Member Sara Watson Curry. The message conveyed her dismay in the Commissioners who were still choosing to meet face to face for these meetings when they have the ability to meet remotely. She urged them to consider adapting remote practices immediately.

The meeting adjourned at 9:46 a.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator